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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

08/950,760

Applicant(s)

Wollrath et al.

Examiner

Yveste Cherubin

Group Art Unit

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☒ Responsive to communication(s) filed on May 25, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 28-53 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 28-53 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 28 - 31, 34, 39 - 43, 46, 51 - 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezviner in view of Benantar (US # 5,787,427).

As to **claim 28**, Bezviner teaches a method in a data processing system having a group of objects in a process, the method comprising the steps of:

- receiving from a remote source a request to access one of the objects in the group of objects in the process (col 5, lines 7 - 11)
- determining whether the one object is active (col 7, lines 38 - 64)
- activating the group of objects when it is determined that the one object is inactive to facilitate the access of the object (col 7, lines 38 - 64).

However, Bezviner does not explicitly teach the access of one of the objects in a group of objects.

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Benantar teaches the access of one of the objects in a group of objects (abstract)(col 2, lines 27 - 43).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve upon the system taught by Bezviner by implementing the improvements detailed above because it would provide the system taught by Bezviner with the enhanced capability of providing for efficient object access control.

As to **claim 29**, Bezviner as modified teaches the method including the step of accessing the one object in the group of objects when it is determined that the one object is active (col 7, lines 38 - 67)(col 8, lines 1 - 14)

As to **claim 30**, Benantar as discussed above teaches the method including the step of accessing a second object in the group of objects by the one object (col 2, lines 28 - 44).

As to **claim 31**, Bezviner as modified teaches the method wherein the step of activating the group of objects further includes the step of:

- activating the group of objects in a virtual machine (col 9, lines 41 - 62)(col 10, lines 1 - 13)

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As to **claim 34**, Bezviner as modified teaches the method wherein the data processing system includes a second group of objects, and wherein the method further includes the step of:

- receiving from a remote source a request to access one of the objects in the second group of objects (col 5, lines 7 - 11)
- activating the second group of objects (col 7, lines 38 - 64)
- accessing the requested object in the second group of objects (col 7, lines 38 - 67)(col 8, lines 1 - 14).

However, Bezviner does not specifically teach the following limitations

- activating a virtual machine for the second group of objects

Hamilton teach:

- activating a virtual machine for the second group of objects (col 10, lines 34 - 46).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve upon the system taught by Bezviner by implementing the improvements detailed above because it would provide the system taught by Bezviner with the enhanced capability of providing for efficient object access control.

As to **claim 39**, Bezviner teaches a method in a distributed system for handling a remote object call to a server computer having a process including a group of objects, the method comprising the steps of:

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- receiving from a remote source a request to access an object in the group of objects (col 5, lines 7 - 11)
- determining whether the requested object is activated (col 7, lines 38 - 67)
- activating the group of objects in a virtual machine in the process on the server computer when it is determined that the requested object is not activated (col 39 - 40)
- accessing the requested object when it is determined that the group of objects is active (col 7, lines 38 - 67)(col 8, lines 1 - 14)
- where upon the requested object communicates with the second object in the group of objects (col 39 - 40)
- returning a result from the accessed object (col 4, lines 40 - 67).

However, Bezviner does not explicitly teach the access of one of the objects in a group of objects.

Benantar teaches the access of one of the objects in a group of objects (abstract)(col 2, lines 27 - 43).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve upon the system taught by Bezviner by implementing the improvements detailed above because it would provide the system taught by Bezviner with the enhanced capability of providing for efficient object access control.

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As to **claim 40**, it recites a computer readable medium of the method claim 28 and is therefore met by the rejection of claim 28 above.

As to **claim 41**, it recites a computer readable medium of the method claim 29 and is therefore met by the rejection of claim 29 above.

As to **claim 42**, it recites a computer readable medium of the method claim 30 and is therefore met by the rejection of claim 30 above.

As to **claim 43**, it recites a computer readable medium of the method claim 31 and is therefore met by the rejection of claim 31 above.

As to **claim 46**, it recites a computer readable medium of the method claim 34 and is therefore met by the rejection of claim 34 above.

As to **claim 51**, Bezviner teaches a distributed system comprising:

- a first computer (first computer) having (abstract)
 - a memory containing a first process (abstract)
 - a processor for executing the first process (abstract)
- a second computer (second computer) having (abstract),

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a memory containing a second process containing a group of objects, and an object activator (activate) that receives from the first process a request to access one of the objects in the group of objects (col 5, lines 7 - 11), that determines whether the group of object is active(active) (col 7, lines 38 - 64), and that activates (activate) the group of objects when the activator (activate) determines that the group is inactive to facilitate access of the object (col 7, lines 38 - 64)(col 3, lines 56 - 67)

a processor for running the second process and the object activator (col 3, lines 56 - 67)

However, Bezviner does not explicitly teach the access of one of the objects in a group of objects.

Benantar teaches the access of one of the objects in a group of objects (abstract)(col 2, lines 27 - 43).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve upon the system taught by Bezviner by implementing the improvements detailed above because it would provide the system taught by Bezviner with the enhanced capability of providing for efficient object access control.

As to **claim 52**, refer to claim 51 above for rejection.

As to **claim 53**, refer to claim 1 above for rejection.

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3. **Claims 32 - 33, 44 - 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezviner in view of Benantar (US # 5,787,427) and further in view of Hamilton.

As to **claim 32**, Bezviner as modified disclose the invention substantially as claimed, as discussed above. However, Bezviner as modified does not specifically teach the following limitations: the method wherein the virtual machine is a Java virtual machine.

Hamilton teaches the method wherein the virtual machine is a Java virtual machine (col 10, lines 32 - 46).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve upon the system taught by Bezviner as modified by implementing the improvements detailed above because it would provide the system taught by Bezviner as modified with the enhanced capability of being able to work with different protocols and data formats.

As to **claim 33**, Hamilton as discussed above teaches the method wherein the step of activating the group of objects further includes the steps of:

- spawning a virtual machine (col 10, lines 1 - 46)
- unning the group of objects on the virtual machine (col 10, lines 1 - 46).

As to **claim 44**, it recites a computer readable medium of the method claim 32 and is therefore met by the rejection of claim 32 above.

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As to **claim 45**, it recites a computer readable medium of the method claim 33 and is therefore met by the rejection of claim 33 above.

4. Claims 35 - 37, 47 - 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezviner in view of APA (Admitted Prior Art).

As to **claim 35**, Bezviner teaches a method in a data processing system having an object in a process, the method comprising the steps of:

- receiving a request from a remote source to activate the object in the process (col 5, lines 7 - 11)
- determining whether the requested object is active (col 7, lines 38 - 64)
- activating the object in a virtual machine when it is determined that the requested object is inactive (col 39 - 40).

However, Bezviner does not specifically teach a data processing system having an object in a process.

APA admits data processing system having object in a process is well known (page 1, lines 9 - 11).

As to **claim 36**, Bezviner as modified above teaches the method further the step of:

- accessing the object when it is determined that the requested object is active (col 7, lines 38 - 67)(col 8, lines 1 - 14).

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As to **claim 37**, Bezviner as modified teach the method further including the step of:

- returning a result from the requested object (col 4, lines 60 - 67).

As to **claim 47**, it recites a computer readable medium of the method claim 35 and is therefore met by the rejection of claim 35 above.

As to **claim 48**, it recites a computer readable medium of the method claim 36 and is therefore met by the rejection of claim 36 above.

As to **claim 49**, it recites a computer readable medium of the method claim 37 and is therefore met by the rejection of claim 37 above.

5. Claims 38, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezviner in view of APA and further in view of Hamilton.

As to **claim 38**, Bezviner as modified disclose the invention substantially as claimed. However, Bezviner does not specifically teach the following limitations: the method wherein the virtual machine is a Java virtual machine.

Hamilton teaches the method wherein the virtual machine is a Java virtual machine (col 10, lines 32 - 46).

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve upon the system taught by Bezviner as modified by implementing the improvements detailed above because it would provide the system taught by Bezviner as modified with the enhanced capability of being able to work with different protocols and data formats.

As to **claim 50**, it recites a computer readable medium of the method claim 38 and is therefore met by the rejection of claim 38 above.

Response to Arguments

6. Applicants' arguments with respect to claims 1- 27 have been considered but are mott in view of the new grounds of rejection. The new limitations are met by the nearly cited references to Bezviner, Benantar, Hamilton and Holmes.

Response to Amendment

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Yveste Cherubin** whose telephone number is **(703) 306-3027**. The examiner can normally be reached on **Monday - Friday from 8:30 AM to 6:00 PM**.

The fax phone number for the organization where this application or proceeding is assigned is **(703) 308-5359**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-9600**.

Y.C./Y.C.

July 20, 1999



**ALVIN E. OBERLEY
SUPERVISORY PATENT EXAMINER
GROUP 2700**